R E M A R K S

Claims 1 – 7, 9 – 17, 20, and 21 are in the application. Claims 1- 7, 9 – 17, 20, and 21 were previously presented and claims 8, 18, and 19 have been canceled. Claims 1, 20, and 21 are the independent claims herein.

No new matter has been added to the application.

Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1 – 7, 9 – 17, 20, and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter "Diacakis". This rejection is traversed.

Regarding the rejection of claim 1, Applicant notes that claim 1 relates to a method that includes interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with *a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity*; receiving a request to make a change to a new identity oriented context for an identity, wherein the new identity oriented context is associated with the identity and provides an availability status of the identity; and *mapping the new identity oriented context to a device oriented context for a specific device associated with the identity, wherein the device oriented context provides an availability status of the specific device.* Clearly, Applicant claims interfacing an identity oriented context application with a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity; and mapping the new identity oriented context to a device oriented context for a specific device associated with the identity, wherein the device oriented context provides an availability status of the specific device.

Applicant respectfully notes that claims 20 (reciting an article of manufacture) and claim 21 (reciting an apparatus) are worded similar to claim 1 regarding the claimed device oriented context application and mapping the identity oriented context to the device oriented context.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed device oriented context application, and mapping the identity oriented context to the device oriented context.

Contrary to rejection argued in the FOA, Diacakis discloses an identity oriented context application (i.e., presence detection engine 18) that represents a context of an individual based on an availability of the individual and determining, by the identity oriented context application (i.e., presence detection engine 18), an identity oriented context for an individual, wherein the identity oriented context provides an availability status of the individual. Diacakis further discloses determining, for a specific time, an availability of the individual based on the identity oriented context for the individual (as determined by a "presence" of the individual provided by the presence detection engine 18 and the "availability" of the individual provided by the availability management engine 20) for the individual.

Applicant respectfully submits that the cited and relied upon Diacakis discloses a presence and availability management system that relies on an identity oriented context application. While the Final Office Action (FOA) states at pages 2 and 3 therein, "presence detection engine [is] interpreted as a device oriented context system since it determines user's presence based on particular devices, and availability management engine [is] interpreted as [an] identity oriented context system since it determines user's availability based on user's situation", it remains a fact that Diacakis instead actually discloses an identity oriented application or system. This is true since Diacakis is fundamentally concerned with determining the availability of an "individual". The disclosed individual refers to a user (i.e., a person). Diacakis discloses,

8

[0026] <u>As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network</u>. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.

[0027] In addition<u>, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons.</u> Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available. (emphasis added)

Thus, Diacakis explicitly and specifically defines the meaning of "presence" and "availability" therein. Applicant notes that the defined "presence" and "availability" are each explicitly defined as relating to a presence of an <u>individual</u> and a willingness of that <u>individual</u> to be contacted. Therefore, there is no need to *interpret* the meaning of the terms "presence" and "availability" since Diacakis specifically defines the terms.

Applicant submits that there is no disclosure in Diacakis of the disclosed "presence detection engine 18" being the same as (or even suggestive of) the claimed "device oriented context application" as argued in the FOA. Applicant notes that Diacakis provides numerous examples of the presence detection engine 18 providing <u>the individual's presence</u> on different networks. For example, Diacakis satates,

The presence detection engine 18 may detect a change in the <u>individual's situation</u>, as described further hereinafter, or the individual may communicate the change to the management server 12 directly. (See Diacakis, paragraph [0034], ln. 14 - 17);

[0038] FIG. 4 is a diagram of the P&A management server 12 according to one embodiment of the present invention. As illustrated in FIG. 4, the

server 12 includes a presence detection engine 18 and an availability management engine 20. <u>The presence detection engine 18 may determine an individual's presence</u> upon particular networks based on various inputs, as described further hereinbelow. The presence detection engine 18 may transmit the presence information to <u>the availability management engine 20, which in turn may determine the individual's availability based on the presence information</u> as well as additional information, such as the individual's situation and defined rules and preferences. The determined availability information may then be transmitted to subscribers of the individual's availability information via the network 16, as described previously.

[0040] As illustrated in FIG. 4, the presence detection engine 18 may receive various inputs to determine, to the extent possible, the individual's presence. One type of input that the <u>presence detection engine 18 may use to help determine the individual's presence is time-based input 40</u>. (emphasis added) *(Time does not mean individual.)*

[0041] <u>Another type of input that the presence detection engine 18 may use is user-location input 42. User-location information may be supplied, for example, from a number of possible networks or devices in communication with the server 12</u>. (emphasis added) *(User location does not equal a device availability.)*

[0042] <u>In addition, the presence detection engine 18 may receive input from various hardware devices that may relate information regarding user location.</u> For example, the presence detection engine 18 may receive information from cameras, such as security cameras located at a place of employment. Thus, <u>the camera information may relate information as to whether the individual is in the locale of his place of employment</u>. (emphasis added) *(Presence in camera's field of view does not does not equal a device availability.)*

[0043] <u>Additionally, the presence detection engine 18 may be in communication with other networks/devices to help determine presence information.</u> For example, the presence detection engine 18 may be in communication with a SS7 network of the public switched telephone network (PSTN) <u>to determine if the individual is present on a landline telephone</u> such as, for example, the landline desk phone 44 in his office. (emphasis added) (Presence of individual on a landline *does not equal a device availability.)*

and

[0044] <u>The presence detection engine 18 may also receive inputs from computer networks</u> such as, for example, a local Ethernet, a LAN, a wireless LAN, a MAN, a WAN, or a TCP/IP network, <u>to determine if the individual is present on such a network</u>, such as via his personal computer (PC) 48. Similarly, the presence detection engine 18 may be in communication with communication networks to determine whether an individual is present on other devices such as, for example, a personal digital assistant (PDA) 50 or a pager 52. (emphasis added) (Presence of individual on a network *does not equal a device availability.*)

Each portion of Diacakis repeated above clearly emphasizes that Diacakis' presence detection engine 18 actually provides an indication of the <u>individual's</u> presence. No disclosure is made by Diacakis that the disclosed presence detection engine 18 is the same as the claimed "device oriented context application that represents the context of the identity *based on an availability of a device* associated with the identity. Again, Diacakis' presence detection engine 18, as explicitly defined and disclosed by Diacakis, specifically relates to the presence of the individual.

There is no disclosure that the presence detection engine 18 determines an availability of a device. For example, an individual may report or be reported as being on a particular communication network as determined by the presence detection engine 18 according to the Diacakis disclosure. However, the individual may not truly or actually be available since a device associated with the individual and used to communicate via the communication network may not available or accessible to others. Since Diacakis does not provide a device oriented context application for the availability of a device and only provides an identity oriented context application (i.e., presence detection engine 18) as demonstrated hereinabove, Diacakis has no way of truly determining the availability of the individual. In contrast, the claimed invention determines the true availability of an identity based, as least in part, on an identity oriented context *and* a device oriented context for a specific device. Again, Diacakis only provides an identity oriented context since Diacakis only determines the presence of an individual using presence detection engine 18 and the availability management engine 20.

Applicant respectfully submits that since Diacakis fails to disclose the claimed "device oriented context application", it logically follows that Diacakis also fails to disclose the claimed aspect of mapping the identity oriented context to the device oriented context.

Applicant notes that the FOA admits that the Diacakis disclosed "availability management engine" does not disclose the claimed "device oriented context application" by citing and relying on the disclosed "availability management engine" for disclosing the claimed "identity oriented context application".

Applicant submits that both the presence detection engine 18 and the availability management engine 20 disclosed by Diacakis relate to the availability of an individual. No availability of a device is disclosed as being determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application. For example, each of the examples discussed in paragraphs [0040] – [0044] relates to determining the presence of the individual. Even when the individual is on or using a network or device, Diacakis determines the availability of the "individual" on the network or device, not the availability of a network or a device itself. The availability of a device itself, as determined by the claimed "device oriented context application" is not seen in Diacakis.

Applicant respectfully submits that claims 1, 20, and 21 are not anticipated by Diacakis. Applicant further submits that claims 2 – 7 and 9 – 17 are patentable over Diacakis for depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7, 9 – 17, 20, and 21 under 35 USC 102.

C O N C L U S I O N

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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